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6 Attorneys for Plaintiffs

7  
 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA  
 10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE  
 LABORERS HEALTH AND WELFARE  
 12 TRUST FUND FOR NOTHERN  
 CALIFORNIA; BOARD OF TRUSTEES OF  
 13 THE LABORERS VACATION-HOLIDAY  
 TRUST FUND FOR NORTHERN  
 14 CALIFORNIA; BOARD OF TRUSTEES OF  
 THE LABORERS PENSION TRUST FUND  
 15 FOR NORTHERN CALIFORNIA; and  
 BOARD OF TRUSTEES OF THE  
 16 LABORERS TRAINING AND RETRAINING  
 TRUST FUND FOR NORTHERN  
 17 CALIFORNIA,

18 Plaintiffs,

19 vs.

20 HIDALGO GENERAL ENGINEERING INC.,  
 a California corporation; and JOSE ROBERTO  
 21 HIDALGO, an Individual,

22 Defendants.

Case No.: C 07 0785 JSW (JL)

**~~REVISED~~ PROPOSED DEFAULT  
 JUDGMENT AGAINST HIDALGO  
 GENERAL ENGINEERING, INC., A  
 CALIFORNIA CORPORATION; AND  
 JOSE ROBERTO HIDALGO, AN  
 INDIVIDUAL**

23  
 24 **ORDER**

25 This Court, having received and reviewed the Summons and Complaint for Damages For  
 26 Breach of Collective Bargaining Agreement, To Recover Unpaid Trust Fund Contributions and  
 27 For Mandatory Injunction ("Complaint"), all Proofs of Service, no responsive pleading having  
 28 been filed by Defendants Hidalgo General Engineering, Inc., a California corporation, and Jose

1 Roberto Hidalgo, an individual, the Clerk of Court having entered the default of Defendants on  
2 May 8, 2007 and the Court, having read and considered the moving papers in support of  
3 Plaintiffs Trust Funds' Motion for Default Judgment, the declarations and attached exhibits in  
4 support of Plaintiffs Trust Funds' Motion for Default Judgment, and there otherwise appearing  
5 to be good cause therefore:

6 IT IS HEREBY ORDERED AND ADJUDGED that Judgment be entered against  
7 Hidalgo General Engineering, Inc., a California corporation and Jose Roberto Hidalgo, an  
8 individual, and each of them, as follows:

9 1. Plaintiffs shall have and recover from Hidalgo General Engineering, Inc., a California  
10 corporation and Jose Roberto Hidalgo, an individual, and each of them, the amount of  
11 \$91,683.11 broken down as follows:

12 (a) Contributions not reported, but not paid, under 29 U.S.C. §§  
13 1132(g)(2)(A), (B) and (C) in the following amount:

- |    |   |                    |
|----|---|--------------------|
| 14 | • § 1132(g)(2)(A) unpaid contributions: | \$28,714.69        |
| 15 | • § 1132(g)(2)(B) interest:             | \$24,630.35        |
| 16 | • § 1132(g)(2)(C) interest:             | <u>\$24,630.35</u> |

17 Sub total: \$77,975.39; and

18 (b) Liquidated Damages on contributions paid, but paid late,  
19 in the amount of: \$6,150.00

20 (c) Attorneys' Fees and Costs \$7,557.72

21 **Total \$91,683.11**

22 Plaintiffs shall further have and recover additional interest and associated liquidated  
23 damages accruing at the rate of 1.5% per month on the unpaid delinquent contributions from  
24 February 7, 2007 until the date of Judgment, the whole of the Judgment to bear interest at the  
25 contract rate of 1.5% per month until paid;

26 2. Defendant Hidalgo General Engineering, Inc., a California corporation, is required to  
27 permit a Trust Funds auditor to come onto defendant's premises and to submit to an audit of  
28

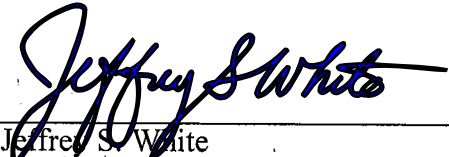
1 their financial records for the period from March 1, 2003 through April 30, 2008 including, but  
2 not limited to, the following records:

3 Individual earnings records; federal tax forms W-3/W-2 and  
4 1069.1099; reporting forms for all Trust Funds, State DE-3/DE-6  
5 Tax Reports; Workers' Compensation insurance; employee time  
6 cards; payroll registers/journals; quarterly payroll tax returns  
7 (Form 941); check register and supporting cash vouchers; forms  
8 1120, 1040 or partnership tax returns; general ledger; source  
9 records, including time cards and time card summaries for all  
10 employees; certified payroll reports; personnel records indicating  
11 job classifications and hire/termination dates; cash disbursement  
12 journal; vendor invoices; copies of subcontract agreements; cash  
13 receipts journal; job cost records; records of related entities; and  
14 any other books and records that may be necessary to complete  
15 the auditor's determination or provide additional explanation of  
16 defendants' financial records;

17  
18 3. The Court further reserves jurisdiction of the parties and the subject matter to enforce  
19 its mandatory injunction and to entertain a motion for a further money judgment, should the  
20 audit disclose additional amounts that may be owed by defendants to the Trust Funds.

21 **IT IS SO ORDERED**

22 DATED: May 22, 2009, 2008

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\_\_\_\_\_  
Hon. Jeffrey S. White  
UNITED STATES DISTRICT JUDGE

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